

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

KENSINGTON REALTY GROUP CORP.,

CASE NO: 22-42817-ESS
CHAPTER 11

Debtor.

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**STIPULATION BETWEEN THE SUBCHAPTER v TRUSTEE,
CHARLES N. PERSING AND EMIGRANT FUNDING
CORPORATION REGARDING DISMISSAL OF BANKRUPTCY PROCEEDING**

WHEREAS, Emigrant Funding Corporation (“Emigrant”) is the holder of a Commercial Real Estate Mortgage Note (the “Note”) dated July 20, 2006 given by Kensington Realty Group (the “Debtor”) in the principal amount of \$950,000.00 (the “Emigrant Mortgage Loan”); and

WHEREAS, on November 10, 2022 (the “Filing Date”), the Debtor filed a petition with the Clerk of this Court under Chapter 11 of the Bankruptcy Code; and

WHEREAS, on November 11, 2022 Charles N. Persing was appointed the Subchapter V Trustee (“Trustee”);

WHEREAS, on or about January 12, 2023, Emigrant moved by motion for the dismissal of the Debtor’s Chapter 11 bankruptcy proceeding, or in the alternative, relief from the automatic stay (the “Dismissal Motion”); and

WHEREAS, on February 3, 2023 the Trustee filed a fee application; and

WHEREAS, on February 27, 2023 a stipulation was entered between the Debtor and Emigrant Funding Corporation regarding terms for the granting of dismissal of bankruptcy

proceeding; and

WHEREAS, on March 31, 2023 the Trustee filed a limited response to Debtor's stipulation between the Debtor and Emigrant Funding Corporation regarding dismissal of bankruptcy proceeding

WHEREAS, the parties have expressed their desire to resolve the Dismissal Motion without the need for additional Court intervention and the costs associated therewith; and

It is therefore,

STIPULATED AND AGREED as follows:

1. Upon execution of this Stipulation, the Lender, Debtor and Trustee shall agree to the immediate entry of an Order of Dismissal of its bankruptcy proceeding with terms acceptable to the Bankruptcy Court, in order to allow Emigrant to immediately proceed with the Foreclosure Action, including the sale of the Properties.
2. Upon order by the court of the Trustee's fee application Emigrant will within 10 days pay the Trustee \$4,700.00 rendering all objections to the dismissal mute
3. This Stipulation may be executed in counterparts and by facsimile or electronically, with the original signatures to be provided as soon as practical thereafter.

Dated: March 23, 2023

TERENZI & CONFUSIONE, P.C.
Attorneys for Emigrant Funding Corp.

By:/s/Ronald M. Terenzi
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SUBCHAPTER V TRUSTEE
Charles N. Persing

By:/s/Charles N Persing
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